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LINCOLN GENERAL INSURANCE COMPANY

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Attorneys for Defendant
ABC SUPPLY COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

LINCOLN GENERAL INSURANCE
COMPANY, A Pennsylvania corporation,

Plaintiff,

v.

ABC SUPPLY COMPANY, INC., a
corporation; ALFRED SCHIMMEL,
individually and doing business as ALLIED
CONTRACTORS; ANTONIO
SANTAMARIA, an individual; and DOES 1-
10,

Defendants.

No. C 05-4856 SBA

**STIPULATION TO DISMISS ACTION
WITHOUT PREJUDICE AGAINST
ABC SUPPLY COMPANY, INC.
[FRCP Rule 41(a)(1); Local Rule 7-12]**

Complaint Filed: November 28, 2005
Trial Date: None Set

1 Pursuant to Federal Rules of Civil Procedure 41(a)(1) and Northern District of
2 California Local Rule 7-12, Plaintiff LINCOLN GENERAL INSURANCE COMPANY
3 ("Plaintiff") and Defendant ABC SUPPLY COMPANY, INC. ("Defendant") by and through
4 their respective attorneys of record hereby stipulate that this action be dismissed without
5 prejudice against said Defendant only. Each party is to bear their own attorney's fees and costs,
6 and waives any right to seek reimbursement of its own attorney's fees and costs from any other
7 party.

8
9 IT IS SO STIPULATED.

10 DATED: April __, 2006

BURNHAM BROWN

11
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13 By _____
14 MICHELLE M. MEYERS
15 Attorneys for Plaintiff
16 LINCOLN GENERAL INSURANCE
17 COMPANY

18 DATED: April __, 2006

LAW OFFICES OF FLETCHER,
WHITE & ADAIR

19
20 By _____
21 PAUL S. WHITE
22 Attorneys for Defendant
23 ABC SUPPLY COMPANY, INC.
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ORDER

Pursuant to Stipulation by the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that a Judgment of Dismissal of the action without prejudice against Defendant ABC SUPPLY COMPANY, INC. be entered with each party to pay their own legal fees and costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 2, 2006



JUDGE OF THE UNITED STATES DISTRICT COURT
THE HONORABLE SAUNDRA B. ARMSTRONG

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